

October 16, 2015

Mr. John P. Canoles
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, Maryland 21057

Re: Lake Roland Environmental Education Center
Forest Conservation Variance
Tracking number 02-15-2062

Dear Mr. Canoles:

A request for a variance from the Forest Conservation Law was received by this Department of Environmental Protection and Sustainability (EPS) on September 1, 2015. This request proposes to base the forest conservation required by Section 33-6-111 of the Law on the 6,694-square foot limit of disturbance (LOD) rather than the entire 14.9 acre parcel. The proposed development activities involve construction of an ADA accessible 2,700-square foot environmental education center within the riparian Forest Buffer on the County-owned property. A revised Forest Conservation Worksheet was received on October 14, 2015 in response to our September 15, 2015 review of the variance request.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant is seeking to construct an environmental education center in a Baltimore County park that existed prior to the effective date of the Forest Conservation Law. The supplemental information shows that full compliance with the Law would apply to a 42.5 acre gross site area as both County-owned and County-leased parcels are involved. The improvements proposed will provide a safe, ADA accessible environmental education center for the Lake Roland Nature Council, a 501(c)(3) non-profit organization, that is centrally located to the ranger station and other actively used portions of the approximately 450 acre park. The costs associated with delineating,

surveying and establishing retention areas would be considerable for a small improvement. Therefore, full application of the law to the entire property would deprive the petitioner of beneficial use of his property, and we find that this criterion has been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The need for the proposed improvements is due to unique circumstances associated with the subject County-controlled properties rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Only 0.2 acre of the 42.5 acre site would be disturbed for the environmental education center, which is well within the park. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. The smallest functional size for the building has been selected and the building has been located to maintain a wooded buffer between the building and the streams and wetlands. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any actions on the property prior to requesting this variance. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Basing the Forest Conservation obligation on the limit of disturbance for the subject improvements would be consistent with the spirit and intent of the Forest Conservation Law. Therefore, this criterion has been met.

Based on our review, this Department finds that all required variance criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code with the conditions on the following page.

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1. A forest conservation plan (FCP) must be approved by EPS prior to issuance of any permits and shall detail the installation of blaze orange high visibility tree protection fence along the LOD, illustrate the locations of informational and protective signage and shall reflect the variance approval note in Condition 3 below.
2. The protective fence shall also be illustrated on the plan views and mentioned in the sequence of operations on any sediment control plans.
3. The following note must appear on all subsequent plans for this project:

“A variance was granted on October 16, 2015 to Baltimore County’s Forest Conservation Law to allow Forest Conservation requirements to be based on the limit of disturbance as opposed to the gross site area. Conditions were placed on this variance, including posting of informational and protective Forest Conservation signage.”
4. This variance approval does not exempt future redevelopment of this site from compliance with Baltimore County’s Forest Conservation Law.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request. Please have a Baltimore County agency representative sign the statement on the following page and return a signed copy of this letter prior to approval of any permits.

If you have any questions regarding this correspondence, please call Michael S. Kulis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/msk

- c. Mr. Brian McKinley, Baltimore County Property Management
Mr. David Lykens, Deputy Director
Ms. Patricia Farr, Manager

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I/we agree to the above conditions to bring the subject Baltimore County property into compliance with Baltimore County's Forest Conservation Law.

County Representative's Signature

Date

Printed Name